

BOARD OF FORESTRY AND FIRE PROTECTION

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George Shaw
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, California 95814-4339
Subject: **Readoption of Emergency Rule 05-0613-04E.**

October 4, 2005

Dear Mr. Shaw:

The Board of Forestry and Fire Protection (Board) is requesting the Office of Administrative Law (OAL) approve readopting the emergency rule titled **Lake Tahoe Region Exemption Emergency Rule, 2005**, OAL Emergency Number 05-0613-04E. This emergency rule included amendments to 14 CCR 895, 895.1, 1038 and 1038(f). The emergency rule initially became effective June 21, 2005.

The Board has been diligently working with stakeholders towards noticing a permanent regulation for this subject. However, due to the extensive public and legislative interest in this regulation, additional consideration is necessary. This has resulted in using the entire 120 day period of the emergency rule necessitating a renewal. The Board confidently expects adoption and delivery of the Certificate of Compliance within the next 120 day period, as concerns regarding the regulation have been addressed.

Readoption of this regulation on an emergency basis is also necessary because the Board can only make permanent rules effective on January 1 of each year as required by Division 4, Chapter 8, Public Resource Code 4554.5. Should this regulation expire with no filed Certification of Compliance, there will be no emergency rule allowing fuel hazard reduction activities permitted by the regulation until January 1, 2007.

It is our understanding, in conversation with OAL, if the Certificate of Compliance is filed with OAL prior to the expiration of the readopted emergency rule, the readopted emergency rule will stay in effect through 2006 until the permanent rule is made effective on January 1, 2007. This procedure adequately meets the Board's intended course of action for this regulation.

Please make the enclosed emergency rule effective October 20, 2005. Attached is the rule language to be readopted, STD form 400, STD. form 399 and other documents of the rulemaking file previously submitted. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads 'Christopher Zimny'.

Christopher Zimny
Regulation Coordinator
Board of Forestry and Fire Protection